

ATTENTION

all state and local law enforcement personnel

You took an oath

"... to preserve, protect, and defend the Constitution of the United States [and of your state] against all enemies, foreign or domestic."

But what does that oath really mean in your personal and professional life? More than you may realize. And that oath may, in the months and years ahead, be put to a test that you neither expect or want. This paper is to help you prepare for that test.

Who are the enemies?

Foreign enemies are easy to understand, and require little discussion. What about domestic? Spies? Terrorists? Criminals? How about corrupt officials? Or overzealous officials who ride roughshod over the Constitution and the rights of citizens in pursuit of a mission they think outweighs all other concerns? What about corrupt or overzealous officials in your chain of command, who may try to use you for their criminal purposes? What about top civilian leaders, who may decide to overthrow the Constitution and establish a new regime in which there are no limits on governmental powers or guaranteed rights, and use you to carry out their plans?

At this point you may be thinking "Nonsense. Nothing like that will ever happen in the United States of America. The people running our government are nice guys who can be trusted to try to do the right thing. They would never try to do anything like that. This is just some kind of paranoid anti-government propaganda."

Don't be too sure. A lot of people thought the same thing a few years ago who became aware of evidence that is extremely alarming, evidence that would be incredible if it didn't come from people inside government who are extremely troubled by what they are seeing or being asked to do.

One of those things is making preparations for a general warrantless search of every site in the United States, using military and law enforcement personnel, to confiscate all firearms and shoot anyone who resists. A clear violation of almost all of the rights guaranteed in the Constitution. Don't rely on this flyer. Check it out for yourself through channels. Then think about what it means.

No more elections. Not for some time. The people would be outraged. They'd vote all the incumbents out if elections were held. The government might offer some justification for their action, something that might seem convincing to many, but not to everyone.

In the meantime citizens throughout the country are organizing independent local militias, to resist assaults on the Constitution. At some point, you may be called upon to choose sides.

Assaults on the Constitution

The Framers of the Constitution made it very clear: Government was not to exercise any power not delegated to it by the Constitution. But for many decades now, it has been assuming more and more powers for which there is no constitutional basis, often in response to demands from the public to "do something" about some problem or another, without bothering to adopt amendments that would make such powers legitimate. Courts have, for the most part, gone along with this, often resorting to imaginative sophistry to try to make it seem legitimate.

If this weren't bad enough, these new powers are increasingly being abused to serve purposes and interests that were never intended by the original legislation. The result is an increasing crisis of legitimacy, and increasing alienation from government on the part of an ever growing part of the population.

Illegal Orders

Any order which you may receive that is contrary to the Constitution of the U.S. or of your State, or to a constitutional law, is illegal. Compliance with such an order is not only not required of you, but may be and probably is illegal, and the issuance of such an order may be a crime, which obligates you to make an arrest of the person issuing it.

Under federal law, 18 USC 242, it is illegal for anyone under the color of law to deprive any person of the rights, privileges or immunities secured by the U.S. Constitution, and under 18 USC 241 it is illegal to conspire to violate such rights. It is a felony punishable by up to 10 years in prison. This could be applied to local, state, or federal law enforcement or military personnel who abuse the rights of citizens. Every state has a similar law.

The key point is this: You not only have the right to disobey an illegal order, but you may also have the duty to apprehend the parties issuing such an order if such issuance is part of the commission of a crime.

The Principle of Nuremberg

After World War II, Nazi war crimes were prosecuted at Nuremberg, and those trials established an important principle: that is the responsibility of every individual to make an independent determination of the legality of any law or official act. No one may delegate that duty to others, not to superiors, not to legal advisers, and not even to judges. It is no defense that you were "just following orders".

Some Constitutional Limitations

Be aware of what are the constitutional limits on federal powers. The Constitution allows criminal prosecution under federal laws on state territory only for (1) treason, (2) counterfeiting, (3) piracy or felonies on the high seas, (4) crimes against the laws of nations, or (5) violations of civil rights by officials. It does not allow criminal prosecution for violations of any regulations, such as those passed under the interstate commerce clause, or for failure to pay taxes. Therefore, most such federal criminal laws apply only to acts committed on federal territory, including the District of Columbia, Puerto Rico, the Virgin Islands, several other islands in the Pacific, land ceded to the federal government by a state legislature for military bases and public works, coastal waters, U.S. flag vessels on the high seas, and the grounds of U.S. embassies abroad.

Furthermore, the Framers intended that "interstate commerce" include only transactions that cross a state border, not all the things that it has been extended to cover, such as anything that has ever crossed a state border, or anything that ever might cross a state border, or anything done by someone who does business some of which crosses a state border, or anything that is "part of an aggregate" of activities that cross a state border, or anything that may "affect" interstate commerce.

During the last several decades Congress has been "federalizing" many crimes committed on State territory, and State and local authorities have been going along with this. But except for the four categories of offenses listed above, all of these extensions of federal authority are unconstitutional.

Now, any citizen may investigate and enforce the law, and that includes federal agents. Under our system of government, *all citizens are policemen*. You as a regular law enforcement officer may *outrank* ordinary civilians, but they have the same authority to enforce the law against felonies and more serious misdemeanors that you do, and that authority should be respected. When the offense is one of those four that the federal government has jurisdiction over on state territory, federal agents have the prior authority. However, in all other cases, your authority is superior to theirs. They may assist you, conduct investigations, and make arrests, with your consent, but then they are obligated to turn over the evidence and the suspect to you for prosecution under state or local law.

Lately several situations have arisen in which federal agents were seen by local or state law enforcement to be abusing the rights of citizens, and the federal officials attempted to prevent those local or state law enforcement officials from doing their duty to protect those citizens by "deputizing" them as "federal marshals", thus supposedly putting them under federal authority. *This is illegal*. First, you cannot be appointed to any office without your consent. Second, in most states it would be illegal to serve as both a federal and state or local officer at the same time. Check the law. If an attempt is made to "deputize" you, refuse.

Some law enforcement officers say that if they are put in the position of having to obey an illegal order or law, they will resign. That is wrong. Once you take an oath to uphold the law, you are obligated to resist all efforts to turn law enforcement organizations into criminal enterprises. Don't resign. Arrest the offender, just as you would arrest any other offender. Make *him* resign.

What you can do

Investigate what is going on within your organization and in other law enforcement and military organizations operating in your area, regarding violations of the Constitution and laws pursuant to it. Then contact local patriot groups. You can find them through gun shops, American Legion or VFW posts, radio talk show hosts, alternative newspapers and bookstores, or your local militia unit. If you find yourself in conflict with federal authorities on a matter of constitutional principle, you may have no alternative but to call up the militia in your area to assist you in upholding the Constitution. You have the authority to do that. Any citizen may call up the militia, including you. But they are not going to respond effectively unless they have been previously organized, armed, and trained. You need to work with them to get them into a high state of readiness.